THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21001 OF 2005

ORAL ORDER:

This writ petition is filed seeking a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent - Divisional Forest Officer, in Rc.No.836/98/S6 dated 31.05.2004, as confirmed by the proceedings No.3192/M12/05, dated 23.08.2005 of the 2nd respondent- Conservator of Forest, Warangal, and quash the same.

It is not in dispute that M/s Venkateswara Saw Mill was granted licence under the A.P. Saw Mill (Regulation) Rules, 1969, and Saw Mill was installed at Elkaturthy village under the licence, which was valid up to 31.12.2003. The said licence was granted in the name of Sri R. Rajamouli. However, the licencee – Rajamouli died on 1.06.2003, and thereafter, his son by name R. Venkateswarlu made an application for renewal of the licence. He also paid the requisite renewal fees. However, the said application was rejected by the 1st respondent by order dated 31.05.2004 on the ground that the saw-mill was located within a distance of 5 K.Ms from the Reserve Forest of Elkathurthy. It was also observed that the licence was not transferable. The appeal preferred against the said order was dismissed by the 2nd respondent by order dated 23.08.2005. Hence this writ petition.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents and perused the material on record.

It is no longer *res integra* that the licence granted under the A.P. Saw Mill (Regulation) Rules, 1969 is not heritable. In a catena of decisions it has been so held by this Court and the same principle has been reiterated by a Full Bench in **Shaik Hussain v. D.F.O., Proddatur**, observing that in such circumstances, it is for the heirs of the deceased to file an application for grant of a fresh licence.

In the circumstances, the son of the original licencee cannot make any claim for renewal of the licence, on the basis of which the petitioner-saw mill was established. However, it is open to the son of the original licencee to make an application in

accordance with law for grant of a fresh licence. If any such an application is made the same shall be considered and appropriate orders be passed in accordance with law.

It is made clear that since the finding that the saw-mill was located within 5 K.Ms. from the reserve forest of Elkaturthy was recorded by the respondents without affording an opportunity to the son of the original licencee to contradict the same, the petitioner is granted liberty to place before the respondents the necessary material to establish his plea that it is not located within 5 K.Ms. from the reserve forest of Elkaturthy, in which event, the respondents shall consider the same in accordance with law, uninfluenced by the finding recorded in the impugned orders and pass appropriate orders in accordance with law as to the entitlement of the petitioner for grant of fresh licence.

The writ petition is accordingly disposed of. No costs.

_____

(G. ROHINI, J.)

27th January, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21001 OF 2005

27th January, 2006.

Between:

M/s Venkateswara Saw Mill,

Represented by its R. Venkateswarlu,

Elkaturthy village and Mandal,

Karimnagar District. .. Petitioner.

And

The Divisional Forest Officer, Karimnagar

(West) Division, Karimnagar and another. .. Respondents.